

Calendar No. 950

110TH CONGRESS
2D SESSION

S. 381

[Report No. 110–452]

To establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2007

Mr. INOUE (for himself, Mr. STEVENS, Mr. LEVIN, Mr. LEAHY, Ms. MURKOWSKI, Mr. AKAKA, Mr. BENNETT, Mr. LIEBERMAN, Mr. CARPER, Mr. FEINGOLD, Mr. SANDERS, Mr. BIDEN, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

SEPTEMBER 11, 2008

Reported by Mr. LIEBERMAN, without amendment

A BILL

To establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the

United States, and to recommend appropriate remedies,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Commission on War-
5 time Relocation and Internment of Latin Americans of
6 Japanese Descent Act”.

7 **SEC. 2. FINDINGS AND PURPOSE.**

8 (a) FINDINGS.—Based on a preliminary study pub-
9 lished in December 1982 by the Commission on Wartime
10 Relocation and Internment of Civilians, Congress finds the
11 following:

12 (1) During World War II, the United States—

13 (A) expanded its internment program and
14 national security investigations to conduct the
15 program and investigations in Latin America;
16 and

17 (B) financed relocation to the United
18 States, and internment, of approximately 2,300
19 Latin Americans of Japanese descent, for the
20 purpose of exchanging the Latin Americans of
21 Japanese descent for United States citizens
22 held by Axis countries.

23 (2) Approximately 2,300 men, women, and chil-
24 dren of Japanese descent from 13 Latin American

1 countries were held in the custody of the Depart-
2 ment of State in internment camps operated by the
3 Immigration and Naturalization Service from 1941
4 through 1948.

5 (3) Those men, women, and children either—

6 (A) were arrested without a warrant, hear-
7 ing, or indictment by local police, and sent to
8 the United States for internment; or

9 (B) in some cases involving women and
10 children, voluntarily entered internment camps
11 to remain with their arrested husbands, fathers,
12 and other male relatives.

13 (4) Passports held by individuals who were
14 Latin Americans of Japanese descent were routinely
15 confiscated before the individuals arrived in the
16 United States, and the Department of State ordered
17 United States consuls in Latin American countries
18 to refuse to issue visas to the individuals prior to de-
19 parture.

20 (5) Despite their involuntary arrival, Latin
21 American internees of Japanese descent were consid-
22 ered to be and treated as illegal entrants by the Im-
23 migration and Naturalization Service. Thus, the in-
24 ternees became illegal aliens in United States cus-
25 tody who were subject to deportation proceedings for

1 immediate removal from the United States. In some
2 cases, Latin American internees of Japanese descent
3 were deported to Axis countries to enable the United
4 States to conduct prisoner exchanges.

5 (6) Approximately 2,300 men, women, and chil-
6 dren of Japanese descent were relocated from their
7 homes in Latin America, detained in internment
8 camps in the United States, and in some cases, de-
9 ported to Axis countries to enable the United States
10 to conduct prisoner exchanges.

11 (7) The Commission on Wartime Relocation
12 and Internment of Civilians studied Federal actions
13 conducted pursuant to Executive Order 9066 (relat-
14 ing to authorizing the Secretary of War to prescribe
15 military areas). Although the United States program
16 of interning Latin Americans of Japanese descent
17 was not conducted pursuant to Executive Order
18 9066, an examination of that extraordinary program
19 is necessary to establish a complete account of Fed-
20 eral actions to detain and intern civilians of enemy
21 or foreign nationality, particularly of Japanese de-
22 scent. Although historical documents relating to the
23 program exist in distant archives, the Commission
24 on Wartime Relocation and Internment of Civilians
25 did not research those documents.

1 (8) Latin American internees of Japanese de-
2 scent were a group not covered by the Civil Liberties
3 Act of 1988 (50 U.S.C. App. 1989b et seq.), which
4 formally apologized and provided compensation pay-
5 ments to former Japanese Americans interned pur-
6 suant to Executive Order 9066.

7 (b) PURPOSE.—The purpose of this Act is to estab-
8 lish a fact-finding Commission to extend the study of the
9 Commission on Wartime Relocation and Internment of Ci-
10 vilians to investigate and determine facts and cir-
11 cumstances surrounding the relocation, internment, and
12 deportation to Axis countries of Latin Americans of Japa-
13 nese descent from December 1941 through February
14 1948, and the impact of those actions by the United
15 States, and to recommend appropriate remedies, if any,
16 based on preliminary findings by the original Commission
17 and new discoveries.

18 **SEC. 3. ESTABLISHMENT OF THE COMMISSION.**

19 (a) IN GENERAL.—There is established the Commis-
20 sion on Wartime Relocation and Internment of Latin
21 Americans of Japanese descent (referred to in this Act as
22 the “Commission”).

23 (b) COMPOSITION.—The Commission shall be com-
24 posed of 9 members, who shall be appointed not later than

1 60 days after the date of enactment of this Act, of
2 whom—

3 (1) 3 members shall be appointed by the Presi-
4 dent;

5 (2) 3 members shall be appointed by the Speak-
6 er of the House of Representatives, on the joint rec-
7 ommendation of the majority leader of the House of
8 Representatives and the minority leader of the
9 House of Representatives; and

10 (3) 3 members shall be appointed by the Presi-
11 dent pro tempore of the Senate, on the joint rec-
12 ommendation of the majority leader of the Senate
13 and the minority leader of the Senate.

14 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
15 bers shall be appointed for the life of the Commission. A
16 vacancy in the Commission shall not affect its powers, but
17 shall be filled in the same manner as the original appoint-
18 ment was made.

19 (d) MEETINGS.—

20 (1) FIRST MEETING.—The President shall call
21 the first meeting of the Commission not later than
22 the later of—

23 (A) 60 days after the date of enactment of
24 this Act; or

1 (B) 30 days after the date of enactment of
 2 legislation making appropriations to carry out
 3 this Act.

4 (2) SUBSEQUENT MEETINGS.—Except as pro-
 5 vided in paragraph (1), the Commission shall meet
 6 at the call of the Chairperson.

7 (e) QUORUM.—Five members of the Commission
 8 shall constitute a quorum, but a lesser number of members
 9 may hold hearings.

10 (f) CHAIRPERSON AND VICE CHAIRPERSON.—The
 11 Commission shall elect a Chairperson and Vice Chair-
 12 person from among its members. The Chairperson and
 13 Vice Chairperson shall serve for the life of the Commis-
 14 sion.

15 **SEC. 4. DUTIES OF THE COMMISSION.**

16 (a) IN GENERAL.—The Commission shall—

17 (1) extend the study of the Commission on
 18 Wartime Relocation and Internment of Civilians, es-
 19 tablished by the Commission on Wartime Relocation
 20 and Internment of Civilians Act—

21 (A) to investigate and determine facts and
 22 circumstances surrounding the United States’
 23 relocation, internment, and deportation to Axis
 24 countries of Latin Americans of Japanese de-
 25 scent from December 1941 through February

1 1948, and the impact of those actions by the
2 United States; and

3 (B) in investigating those facts and cir-
4 cumstances, to review directives of the United
5 States armed forces and the Department of
6 State requiring the relocation, detention in in-
7 ternment camps, and deportation to Axis coun-
8 tries of Latin Americans of Japanese descent;
9 and

10 (2) recommend appropriate remedies, if any,
11 based on preliminary findings by the original Com-
12 mission and new discoveries.

13 (b) REPORT.—Not later than 1 year after the date
14 of the first meeting of the Commission pursuant to section
15 3(d)(1), the Commission shall submit a written report to
16 Congress, which shall contain findings resulting from the
17 investigation conducted under subsection (a)(1) and rec-
18 ommendations described in subsection (a)(2).

19 **SEC. 5. POWERS OF THE COMMISSION.**

20 (a) HEARINGS.—The Commission or, at its direction,
21 any subcommittee or member of the Commission, may, for
22 the purpose of carrying out this Act—

23 (1) hold such public hearings in such cities and
24 countries, sit and act at such times and places, take
25 such testimony, receive such evidence, and admin-

1 ister such oaths as the Commission or such sub-
2 committee or member considers advisable; and

3 (2) require, by subpoena or otherwise, the at-
4 tendance and testimony of such witnesses and the
5 production of such books, records, correspondence,
6 memoranda, papers, documents, tapes, and materials
7 as the Commission or such subcommittee or member
8 considers advisable.

9 (b) ISSUANCE AND ENFORCEMENT OF SUB-
10 POENAS.—

11 (1) ISSUANCE.—Subpoenas issued under sub-
12 section (a) shall bear the signature of the Chair-
13 person of the Commission and shall be served by any
14 person or class of persons designated by the Chair-
15 person for that purpose.

16 (2) ENFORCEMENT.—In the case of contumacy
17 or failure to obey a subpoena issued under sub-
18 section (a), the United States district court for the
19 judicial district in which the subpoenaed person re-
20 sides, is served, or may be found may issue an order
21 requiring such person to appear at any designated
22 place to testify or to produce documentary or other
23 evidence. Any failure to obey the order of the court
24 may be punished by the court as a contempt of that
25 court.

1 (c) WITNESS ALLOWANCES AND FEES.—Section
2 1821 of title 28, United States Code, shall apply to wit-
3 nesses requested or subpoenaed to appear at any hearing
4 of the Commission. The per diem and mileage allowances
5 for witnesses shall be paid from funds available to pay the
6 expenses of the Commission.

7 (d) INFORMATION FROM FEDERAL AGENCIES.—The
8 Commission may secure directly from any Federal depart-
9 ment or agency such information as the Commission con-
10 siderers necessary to perform its duties. Upon request of
11 the Chairperson of the Commission, the head of such de-
12 partment or agency shall furnish such information to the
13 Commission.

14 (e) POSTAL SERVICES.—The Commission may use
15 the United States mails in the same manner and under
16 the same conditions as other departments and agencies of
17 the Federal Government.

18 **SEC. 6. PERSONNEL AND ADMINISTRATIVE PROVISIONS.**

19 (a) COMPENSATION OF MEMBERS.—Each member of
20 the Commission who is not an officer or employee of the
21 Federal Government shall be compensated at a rate equal
22 to the daily equivalent of the annual rate of basic pay pre-
23 scribed for level IV of the Executive Schedule under sec-
24 tion 5315 of title 5, United States Code, for each day (in-
25 cluding travel time) during which such member is engaged

1 in the performance of the duties of the Commission. All
2 members of the Commission who are officers or employees
3 of the United States shall serve without compensation in
4 addition to that received for their services as officers or
5 employees of the United States.

6 (b) TRAVEL EXPENSES.—The members of the Com-
7 mission shall be allowed travel expenses, including per
8 diem in lieu of subsistence, at rates authorized for employ-
9 ees of agencies under subchapter I of chapter 57 of title
10 5, United States Code, while away from their homes or
11 regular places of business in the performance of services
12 for the Commission.

13 (c) STAFF.—

14 (1) IN GENERAL.—The Chairperson of the
15 Commission may, without regard to the civil service
16 laws and regulations, appoint and terminate the em-
17 ployment of such personnel as may be necessary to
18 enable the Commission to perform its duties.

19 (2) COMPENSATION.—The Chairperson of the
20 Commission may fix the compensation of the per-
21 sonnel without regard to chapter 51 and subchapter
22 III of chapter 53 of title 5, United States Code, re-
23 lating to classification of positions and General
24 Schedule pay rates, except that the rate of pay for
25 the personnel may not exceed the rate payable for

1 level V of the Executive Schedule under section 5316
2 of such title.

3 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any
4 Federal Government employee may be detailed to the
5 Commission without reimbursement, and such detail shall
6 be without interruption or loss of civil service status or
7 privilege.

8 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-
9 TENT SERVICES.—The Chairperson of the Commission
10 may procure temporary and intermittent services under
11 section 3109(b) of title 5, United States Code, at rates
12 for individuals that do not exceed the daily equivalent of
13 the annual rate of basic pay prescribed for level V of the
14 Executive Schedule under section 5316 of such title.

15 (f) OTHER ADMINISTRATIVE MATTERS.—The Com-
16 mission may—

17 (1) enter into agreements with the Adminis-
18 trator of General Services to procure necessary fi-
19 nancial and administrative services;

20 (2) enter into contracts to procure supplies,
21 services, and property; and

22 (3) enter into contracts with Federal, State, or
23 local agencies, or private institutions or organiza-
24 tions, for the conduct of research or surveys, the

1 preparation of reports, and other activities necessary
2 to enable the Commission to perform its duties.

3 **SEC. 7. TERMINATION.**

4 The Commission shall terminate 90 days after the
5 date on which the Commission submits its report to Con-
6 gress under section 4(b).

7 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) IN GENERAL.—There are authorized to be appro-
9 priated such sums as may be necessary to carry out this
10 Act.

11 (b) AVAILABILITY.—Any sums appropriated under
12 the authorization contained in this section shall remain
13 available, without fiscal year limitation, until expended.

Calendar No. 950

110TH CONGRESS
2^D Session

S. 381

[Report No. 110-452]

A BILL

To establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

SEPTEMBER 11, 2008

Reported without amendment